



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 20, 2005

REPORT NO. HO-05-126

ATTENTION: Hearing Officer

SUBJECT: 4751 CAPE MAY MAP WAIVER  
PROJECT NUMBER: 55200

LOCATION: 4751-4753 Cape May Avenue

APPLICANT: Robert J. Bateman/San Diego Land Surveying & Engineering

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit (CDP No. 167010) and Map Waiver No. 167009 to waive the requirements for a Tentative Map to convert two existing residential units into condominiums and waive the requirement to underground existing overhead utilities?

### Staff Recommendations –

1. APPROVE Coastal Development Permit No. 167010 and Map Waiver 167009.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Ocean Beach Planning Board voted 6-4-0 to recommend approval of the proposed project on March 2, 2005 with two conditions (Attachment 7).

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines.

### BACKGROUND

The project site consists of two for-rent residential units in two separate buildings. The project is located at 4751-4753 Cape May Avenue, on a 0.16-acre site, in the RM-1-1 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, and the Airport Environs Overlay Zone. The site is also located within the Ocean Beach Emerging Cottage Historic District and the Ocean Beach Precise Plan

and Local Coastal Program (Attachment 1). The site is designated within the Ocean Beach Community Plan for multi-family residential land use (Attachment 2). The property is located in the Coastal Overlay Zone (non-appealable area); therefore the subdivision requires a Coastal Development Permit.

The project application was deemed complete on December 15, 2004, after the adoption of the Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13) of the Land Development Code. Therefore, the proposed project is subject to the amended regulations. The project is also subject to the condominium conversion ordinance (Chapter 14, Article 4, Division 5, §144.0503) of the Land Development Code.

## DISCUSSION

The site is a level 6,988-square-foot rectangular lot consisting of two for-rent residential units in two separate buildings. The site is currently zoned RM-1-1 (multiple unit residential zone) permitting one unit per 3,000-square-feet of lot area. The RM-1-1 zone was applied in January 2000. In April 1930 the site was zoned R-2, which allowed two residential units.

The original unit was constructed in 1921 when the site was zoned R-2, the second two-story structure was constructed in 2004 under Building Permit No. C305655-03, and through Coastal Development Permit No. 9689. The buildings contain one three-bedroom unit, for a total of 1,320-square-feet, and one two-bedroom unit, for a total of 1,040-square-feet. This project provides four parking spaces: two in enclosed garage, and two off-street open spaces; the project is in conformance with the current parking regulations: the one three-bedroom unit requires 2.25 spaces and the one two-bedroom unit requires two (2) spaces in accordance with LDC-Table 142.05C. The existing four parking spaces are required to remain on site in accordance with LDC Section No. 142.0510. The new structure is in conformance with the current development codes, and meets all the development requirements for the RM-1-1 Zone, however, the existing structure deviates from current setback requirements for the RM-1-1 Zone.

This project is a request to waive the requirement of the Tentative Map for the subdivision of a 0.16-acre site into one lot to convert two existing residential rental units to condominium units which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designate the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

No new construction or grading will take place under Coastal Development Permit No. 167010 and Map Waiver No. 167009, nor are there any known Building or Zoning Code violations of record against this property. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2, Divisions 2, 3, 4, 5 and 8 of the Municipal Code.

### Affordable Housing:

The project is subject to the Inclusionary Affordable Housing regulations and the condo conversion ordinance, however, the Housing Commission issued an exemption from the condominium conversion based on a letter from the applicant certifying that the two units are currently occupied by the owner and his daughter (no tenants) (Attachment 9).

This project was deemed complete on December 15, 2004 and is under ten units, therefore is subject to an in-lieu fee of \$0.875 per square foot. As the existing development provides 2,360 square feet of living space, the applicant is required to either pay a total of sum of \$2,065 or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee prior to the recordation of the parcel map,.

### Community Planning Group Recommendation

The Ocean Beach Community Planning Board recommended approval of the proposed project with two recommended conditions: 1) the CC&R designates two parking spaces for each unit; 2) all gas lines, water lines and utilities be brought to current code on properties and within both units. Currently the site provides four parking spaces and is in conformance with the current parking regulations. Also, the applicant has confirmed that all gas and utility lines are in compliance with current code requirements, and this Coastal Development Permit No. 1670107 and Map Waiver No. 1670098 are only for the condominium conversion; no new construction will take place with this action.

### Undergrounding Waiver Request

The project currently contains overhead utility lines adjacent to the project site. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2005 designates the site within Block 2R and a date for the undergrounding has not been determined by City Council.

### Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). As these two units are only occupied by the owner and family members, no notice is required at this time. However, if either unit should be rented prior to recordation of the Parcel Map, the tenant shall be given proper notice per State and Municipal code.

California Government Code 66452.3 requires that a copy of the staff report be served to each tenant at least 72-hours (three calendar days) prior to the hearing. Again, these units are only occupied by the current owners, so this project is exempt from these requirements.

### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of two residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-1-1 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 6). Therefore, staff recommends approval of Coastal Development Permit No. 167010 and Map Waiver No. 167009, including the Waiver from Undergrounding existing utilities, with the attached conditions.

### ALTERNATIVE

1. Approve Map Waiver No. 167009 and Coastal Development Permit No. 167010, with modifications.
2. Deny Map Waiver No. 167009 and Coastal Development Permit No. 167010, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Laila Iskandar, Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Data Sheet
4. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2R
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Housing Commission/Certification letter

Job Order Number 42-3613